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FIRST, LAST & AL WAYS, INC. and DEVEN GADULA

UNITED STATES FEDERAL COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

GUADALUPE JIMENEZ, on behalf of himself Case No.: C10-01128 PJH

and others similarly situated,

Plaintiff,

vs.

FIRST, LAST & ALWAYS, INC., DEVEN
GADULA, and DOES 1-10

Defendants

STIPULATION TO CONTINUE INITIAL
CASE MANAGEMENT CONFERENCE TO
FACILITATE SETTLEMENT & ORDER
THEREON

Parties, thorough their respective counsel, stipulate as follows:

1. Plaintiff filed this wage and hour class action on March 17, 2010.

1 2. Shortly after the filing of the Complaint, parties agreed to engage in settlement
2 discussions, and parties participated in a private mediation on June 11, 2010.

3 3. Although the first mediation did not resolve the matter, parties had productive
4 discussions and agreed to engage in further settlement discussions after more detailed analysis of
5 the case was completed.

6 4. To facilitate on-going settlement efforts, parties sought and were granted
7 continuance of the initial case management conference from November 18, 2010.

8 5. To prepare for mediation, Plaintiff has been provided with all relevant time cards
9 and has completed analysis of potential exposure for liabilities.

10 6. In addition, parties had negotiated for Plaintiffs to conduct a review of
11 Defendants' financial situations to remove one of primary obstacles to a successful mediation by
12 a forensic accountant. To that end, Plaintiffs had first retained the accountant Mr. David Green
13 who had indentified a list of documents for review.

14 7. After Defendants had prepared and gathered all documents identified by Mr.
15 Green, parties had scheduled a further session of mediation on October 20, 2010 and arranged
16 for financial review to be completed a week prior to that date. Unfortunately, Mr. Green
17 unexpectedly became unavailable to complete the review within the time frame as arranged. As
18 result, parties had to cancel the further mediation session scheduled for October 20, 2010, and
19 retained another forensic accountant Mr. Jed Grene.

20 8. As of November 4, 2010, Mr. Grene had completed the financial review, and
21 parties are in the process of confirming a further mediation session in late November or early
22 December 2010.

23 9. As such, parties request that the Initial Case Management Conference be
24 continued from November 18, 2010 to December 9, 2010.

25 Dated: November 12, 2010

By: /s/ Adam Wang
Adam Wang
Attorney for Plaintiff

1 Dated: November 12, 2010

By: /s/ Robert Zaletel
Robert Zaletel
Attorney for Defendants

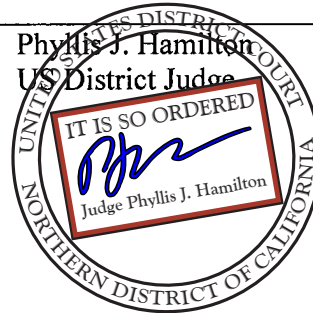
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4 [PROPOSED] ORDER

5 GOOD CAUSE APPEARING, pursuant parties' stipulation, it is so ordered.

6 Parties shall file a joint case management statement no later than December 2, 2010.
7 The case management conference is continued to December 16, 2010.

8 Dated: November 16, 2010

By: _____
Phyllis J. Hamilton
U.S. District Judge



General Order 45, Attestation of Signatures

I, the undersigned, attest that the concurrence in the filing of the document has been obtained from each of the other signatories, which shall serve in lieu of their respective signatures.

Dated: September 20, 2010

By: /s/ Adam Wang
Adam Wang
Attorney for Plaintiff